

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEFFREY CANADAY,)	
)	
Petitioner,)	
vs.)	NO. CIV-19-0174-HE
)	
CARL BEAR,)	
)	
Respondent.)	

ORDER

Petitioner, a state prisoner appearing *pro se*, filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. Judge Jones has issued a Report and Recommendation recommending that petitioner's application to proceed *in forma pauperis* be denied. Petitioner has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #6]. Petitioner's Application for Leave to Proceed *In Forma Pauperis* [Doc. #2] is **DENIED**. Petitioner is **ORDERED** to pay the \$5.00 filing fee within **twenty-one (21) days** of the date of this order. Failure to pay the fee will result in this action being dismissed without prejudice.

IT IS SO ORDERED.

Dated this 25th day of March, 2019.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE